

REMARKS

The non-final Office Action mailed June 29, 2006 and references cited therein have been reviewed. Applicant have amended claims 1, 49, 63-65, and 76, and added new claims 84-86 by this amendment.

ELECTION REQUIREMENT

The Examiner asserted that claims 42 and 77 are directed to the non-elected species and sub-species. Applicants have withdrawn these two claims.

The Examiner continued to maintain the requirement for election. Applicants acknowledge the Examiner's position, but maintain that the election requirement is improperly based on Applicants previously submitted argument and preserve the objection for appeal.

CLAIM OBJECTION

Claim 76 was objected to by the Examiner as depending on claim 40. Applicant has amended claim 76 to depend on claim 49.

SECTION 112 REJECTION

Claims 49-62 and 72-76 were rejected under 35 U.S.C. §112(2) as being indefinite. Claim 49 has been amended to correct the antecedent basis problem. Applicants submit that all the pending claims are in proper form pursuant to 35 U.S.C. §112.

PRIOR ART

The Examiner marked through US 3,377,712 as not being considered. Applicants note that the proper patent number is US 3,977,712 issued to Lyle M. Northrop on August 31, 1976. Applicants apologize for the error in the patent number in the Information Disclosure Statement and request that the Examiner now consider US 3,977,712.

SECTION 103 REJECTIONS

Claims 1, 3-32, 41, 49-62 and 72-76 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schnitzius (DE 3939118) in view of Holzer (DE 2722884). Claims 2 and 72 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schnitzius (DE 3939118) in view of Holzer (DE 2722884), and further in view of Kruger (DE 3716205). English translations for these three German patents are currently not of record. Two of the German patents that were cited by Applicants were cited since such patents were identified during the prosecution of corresponding foreign patent applications. Applicants have enclosed computer translations of these three German patents. Although these translations are not exact, the translations are very informative regarding the scope of disclosure of the German patents.

The Examiner acknowledged that Schnitzius is absent any disclosure or teaching regarding a guide member including a first passageway that at least partially regulates fluid flow between at least two sub-chambers in a housing during the reciprocation of the rod member relative to the housing.

The Examiner cited Holzer as disclosing a spring device with passageways through the guide member. As illustrated in the three figures of Holzer and confirmed by the enclosed computer translation of this patent, Holzer is absent any teaching regarding the use of mechanical springs. Holzer is merely disclosing a damping system for a gas cylinder. Indeed, the gas cylinder disclosed in the Holzer function varies differently from the spring systems disclosed in Schnitzius and claimed in the present invention. For instance, piston rod 3 of Holzer only moves in particular direction when a force is applied to the outer end of the piston rod. In Schnitzius, the two springs 17 and 18 begin to apply a force on the piston 13 when the piston moves about halfway downward toward the bottom of pipe 11 as illustrated in the force graph of Figure 2.

In view of the different structure and function of the two spring systems disclosed in Holzer with Schnitzius, there is no motivation to combine the teachings of Holzer with Schnitzius to make obvious pending independent claims 1 and 49. The Examiner asserted that the two spring systems are in the same field of endeavor, thus it would have been obvious to combine these two spring systems. Applicants submit that mechanical and gas springs have different mechanical and structural issues associated with the two springs. As such, it is not obvious to combine these two technologies.

Applicants further submit that the combined teachings of Holzer and Schnitzius do not disclose, teach or suggest the limitations set forth in dependent claims 2, 8-13, 22-32, 55-62, 72, 75, and 84-86.

The Examiner cited Kruger as disclosing opposite wind directions. Kruger is directed to a spring contact pin. The spring contact pin is a completely different technology from the spring systems disclosed in Holzer and Schnitzius and defined in the claims. As such, Kruger is non-analogous art and cannot be used to support a rejection of the pending claims.

Applicants submit that the claims pending in the above-identified patent application are allowable over the cited art of record.

Respectfully submitted,

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